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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In Re:

LOW VOLTAGE SOLUTIONS, INC.,

Debtor.

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Case No. 22-32164-swe7

Hearing Date: September 7, 2023

Hearing Time: 9:30 A.M.

**TRUSTEE’S MOTION FOR AUTHORITY TO PAY
SECURED CLAIMS OF FIRST STATE BANK**

Anne Elizabeth Burns, Chapter 7 Trustee (“Trustee”) in the above styled and numbered case, files her *Motion for Authority to Pay Secured Claims of First State Bank*, and in support thereof, the Trustee respectfully shows as follows:

1. Low Voltage Solutions, Inc. (the “Debtor”) filed its voluntary chapter 7 bankruptcy petition on November 11, 2022.
2. The Debtor’s Schedule D shows \$592,524.08 due to its secured lender, First State Bank (“FSB”), on three different loans.
3. The Trustee abandoned tangible personal property that served as FSB’s collateral, including office equipment, furniture, and an RV, and FSB conducted its own auction of such collateral. FSB provided the Trustee with correspondence in January 2023 showing that it applied its auction proceeds of \$91,653.62 to amounts owed by the Debtor.

4. Since the filing of the bankruptcy case, the Trustee has collected a total of \$1,749,803.05 in Employee Retention Credits (“ERC”) owed to the Debtor at the time of its bankruptcy filing. FSB takes the position that its lien extends to the ERC based on security agreements identifying FSB’s collateral as all of the Debtor’s accounts, general intangibles, and all proceeds, among other things.

5. In order to stop the ongoing accumulation of interest on FSB’s over-secured claims for the benefit of other estate creditors, the Trustee seeks authority to pay FSB the following amounts in final satisfaction of its secured claims against this estate under 11 U.S.C. § 506(b):

- a. \$217,660.28 in full and final satisfaction of Claim No. 16 (which amount includes interest through August 7, 2023), plus interest at the per diem rate of \$34.57 until paid.
- b. \$280,915.65 in full and final satisfaction of Claim No. 17 (which amount includes interest through August 7, 2023), plus interest at the per diem rate of \$67.27 until paid.
- c. \$32,529.24 in full and final satisfaction of Claim No. 18 (which amount includes interest through August 7, 2023), plus interest at the per diem rate of \$5.93 until paid.
- d. Reasonable legal fees incurred by FSB of \$10,375.98.

WHEREFORE, the Trustee respectfully requests that the Court enter an order granting this motion, authorizing her to pay the secured claims of First State Bank as set forth herein, and for such other and further relief to which she may be entitled.

Respectfully submitted,

/s/ Emily S. Wall

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